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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,492	10/27/2003	Michael Shane Rinks	201 - F1	4296

7590 03/08/2007  
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EXAMINER
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FREJD, RUSSELL WARREN

ART UNIT	PAPER NUMBER
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2128

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,492	<b>Applicant(s)</b> RINKS ET AL.	
	<b>Examiner</b> Russell Frejd	<b>Art Unit</b> 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006 and 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,8,9 and 13-68 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50 is/are allowed.
- 6) ☒ Claim(s) 1,13,18-21,32,47,49,67 and 68 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 14-17, 22-31, 33-46, 48, 51-66 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Examination of Application #10/694,492***

1. This communication is in response to the amendment received 5-December-2006, and the IDS received 18-December-2006. Claims 1, 8, 9, and 13-68 are pending in the application. Claims 2-7 and 10-12 were canceled by this amendment. New claims 50-68 were added.

***Claim Rejections under 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.1 Claims 1, 13, 18-21, 32, 47, 49, 67 and 68 are rejected under 35 U.S.C. 102(a) as being anticipated by the Rinks Construction Building Materials Estimating Software Maintenance Manual, dated October 2000, Figs. 24-105.

2.2 Rinks disclosed the invention as claimed, in regard to **claims 1 and 49**:

A computer-implemented method for determining a set of materials for constructing a wood frame building [Fig. 82], comprising: selecting a plurality of parameters for the wood frame building [Fig. 88], including selecting a plurality of parameters for walls [Fig. 89], selecting a plurality of parameters for a roof [Fig. 88], selecting a plurality of parameters for at least one building opening [Fig. 72] and selecting a plurality of parameters for poles [Fig. 50]; accessing a database having information about a set of raw and finished goods [Figs. 88-96]; determining the set of materials based on the plurality of parameters for the wood frame building and the

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information about the set of raw and finished goods [Figs. 68-70]; and displaying the set of materials [Fig. 68]; displaying a visual model of at least one aspect of the wood frame building [Fig. 71].

**Claim 13:** wherein selecting a plurality of parameters for the wood frame building includes determining whether at least one selected parameter is within a range of selected values, the range of selected values having feasible alternatives for the at least one selected parameter, further wherein the range of selected values may be governed by at least one previously selected parameter; and if the at least one selected parameter is not within the range of selected values, indicating that the at least one selected parameter is not within the range of selected values [Fig. 90].

**Claim 18:** wherein displaying a visual model includes displaying a wall of the wood frame building having a plurality of metal panels, and displaying the location on the wall of each metal panel [Figs. 72 and 73].

**Claim 19:** further comprising displaying an identity for each metal panel [Fig. 77].

**Claim 20:** further comprising corresponding by identity each metal panel to a list of the plurality of metal panels, and displaying a parameter of each metal panel in the list [Figs. 73, 74 and 77].

**Claim 21:** further comprising indicating at least one building opening [Figs. 45 and 72].

**Claim 32:** wherein displaying the set of materials includes displaying the total cost of the trusses for the wood frame building [Fig. 69].

**Claim 47:** wherein displaying a visual model comprises displaying an overhang distance by a roof of a wall for the wood frame building [Fig. 46].

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**Claim 67:** wherein displaying a visual model comprises selecting a final elevation view of a side of the wood frame building, and displaying a selected exposed wall material layer in the final elevation view [Fig. 45].

**Claim 68:** wherein displaying a visual model further comprises displaying a selected roofing material layer in the final elevation view [Fig. 47].

### ***Claim Objections***

3. Claims 8, 9, 14-17, 22-31, 33-46, 48, and 51-66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Allowed Claims***

4. Claim 50 is deemed allowable over the prior art of record at this time.

### ***Response Guidelines***

5. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

**5.1 Any response to the Examiner in regard to this non-final action should be**

**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks

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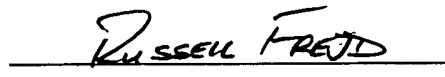
**In re Application of: Rinks et al.**

P.O. Box 1450, Alexandria, VA 22313-1450

**or faxed to: (571) 273-8300**

Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

**Date: 4-March-2007**

  
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**RUSSELL FREJD  
PRIMARY EXAMINER**